

## REMARKS

Claims 1-28 are presently active. Claims 21-28 are new.

Applicants respectfully object to the Action's referring to the claims as having particular "steps." Applicants wish to state for the record there is no intent by Applicants to draft "step for" type claims. The term "step" in the Action is being interpreted to mean "recited operation". Applicants also note the Action's failure to explicitly cite portions of the referenced documents and apply them to particular claims elements. Applicants are interpreting the Action to apply *Misra* the recited signing with a public key in claims 4, 10, 16 20, and based on the parenthetical references in the Action, *Schmidt* appears to be applied to the other limitations of claims 1-20.

However, as discussed with the Examiner, to expeditiously conclude prosecution, the claims have been amended. The originally filed claims may be pursued in a continuing application. Applicants submit the 35 U.S.C. §112 and U.S.C. §103 rejections are now moot, and the claims, as amended, are allowable over the documents relied on by the Action.

Claimed embodiments concern novel use of an electronic commerce shopping cart metaphor to facilitate defining a distribution package identifying one or more goods for electronic or physical distribution. Use of a shopping cart in this manner is not taught or suggested by the documents relied upon by the Action.

As noted by the Examiner in the Action, claimed embodiments concern at least two classes of clients, a manager-client that may define the distribution package, and a user-client that obtains goods identified in the distribution package according to the contents and terms of the distribution package.

Independent claims 1, 7, 13, and 17 each recite limitations corresponding to the novel use of an electronic shopping cart to facilitate creating the distribution package. That is, recited limitations include a manager type client receiving a list of goods, selecting goods which are added to an electronic shopping cart, and requesting creation of a distribution package according to contents of the manager type client's electronic shopping cart. The manager type client may also assign access restrictions to the distribution package created with respect to a shopping cart.

The documents relied on by the Action do not teach or suggest the recited usage of an electronic shopping cart. Schmidt (U.S. Patent No. 5,991,807) teaches controlling user access to network resources, and does not teach or suggest using shopping carts or an equivalent thereof. This failing of Schmidt is not cured through combination with Misra's (U.S. Patent No. 6,189,146), which teaches a licensing system. Consequently, Schmidt, whether considered alone, or in view of Misra, cannot render claimed embodiments obvious.

Note also that in claims 13, 17 and new claim 27, recited is the limitation that the electronic shopping cart be a client-side shopping cart. A client-side shopping cart is not taught or suggested by the documents relied on by the present Action.

Regarding new claims 21-28, claim 21 adds the limitation that the list of goods includes goods coming from at least two different sources. Claim 22 adds the limitation that a portion of the distribution package may have a security requirement restricting access thereto. Claims 23 and 24 add the limitation that selection of goods is validated with respect to the client identifier, e.g., a manager type client may be restricted in the type of package that may be defined for user type clients. Claim 25 and 27 recite

limitations related to those discussed above for claim 1 regarding the novel use of an electronic shopping cart.

Except for the new claims, dependent claims are not discussed above in detail order to focus prosecution on the independent claims. Applicants submit the dependent claims are allowable for at least the reason of depending on allowable base claims.

FIG. 3 was amended to correct a clerical error and comply with the description in the specification.


### CONCLUSION

Based on the foregoing, it is submitted that that all active claims are presently in condition for allowance, and their passage to issuance is respectfully solicited.

The Examiner is requested to contact the undersigned by telephone to discuss the above amendment if the amendment is not deemed to bring all claims into allowance.

Respectfully submitted,

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Steven D. Yates  
Patent Attorney  
Intel Corporation  
Registration No. 42,242  
(503) 264-6589

c/o Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026

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## **APPENDIX A**

### **Specification paragraph at page 10, lines 10-16:**

For example, the start page may contain a "Search for ..." button. Selecting the button causes a search command to be sent from the client to the server, possibly with parameter data regarding the type of search, scope, etc. to perform. If the search button was for locating a product, such as software, on receiving the command the server searches for a product and lists only the product determined to be available to the client according to the client's access authorization determined from login 200 authentication.

### **Specification paragraph at page 11, lines 1-6:**

FIG. 3 is a flowchart illustrating a manager or other entity responsible for creating a package (collection of physical and electronic goods) to be made available for purchase by connecting clients. Purchase may include downloading the package. A manager is simply a client; however, the term "manager" is used to distinguish between connecting to the server to obtain goods, and connecting to the server to prepare goods for distribution to other clients.

## APPENDIX B

### Claims As Amended

- 1                   1.     (Amended) A method of using an electronic shopping cart to  
2 facilitate defining a distribution package [method], comprising:  
3                   connecting to an online distribution server [configured to receive incoming  
4 connections from a client];  
5                   receiving a list of goods available for electronic and/or physical distribution  
6 to a [the] client;  
7                   selecting goods from the list;  
8                   adding said selected goods to an electronic shopping cart;  
9                   requesting creation of a distribution package according to contents of  
10 electronic shopping cart; and  
11                   assigning access restrictions for the distribution package, said restrictions  
12 controlling access by the client to the distribution package.  
13  
14                   2.     The method of claim 1, further comprising:  
15                   sending a client identifier to the online distribution server;  
16                   wherein said list has contents constrained according to access privileges  
17 associated with the client identifier.  
18  
19                   3.     The method of claim 2, wherein the access privileges associated  
20 with the client identifier are stored on the online distribution server.  
21  
22                   4.     The method of claim 2, further comprising:  
23                   storing said access privileges within the client identifier;  
24                   wherein said access privileges are signed with a public key of the online  
25 distribution server.  
26

1           5.     The method of claim 1, wherein the goods comprise physical  
2 goods, electronic goods, or services.

3  
4           6.     The method of claim 5, wherein a first grouping of the goods is  
5 available electronically, and a second grouping of the goods is unavailable electronically  
6 but is available through physical shipping to a client.

7  
8           7.     (Amended) A machine-accessible [readable] medium having  
9 instructions encoded thereon for using an electronic shopping cart to facilitate defining a  
10 distribution package, said instructions, when accessed [executed by a processor],  
11 capable of directing a machine [the processor] to:

12                 connect to an online distribution server [configured to receive incoming  
13 connections from a client];

14                 receive a list of goods available for electronic and physical distribution to a  
15 [the] client;

16                 select goods from the list;

17                 add said selected goods to an electronic shopping cart;

18                 request creation of a distribution package according to contents of  
19 electronic shopping cart; and

20                 assign access restrictions for the distribution package, said restrictions  
21 controlling access by the client to the distribution package.

22  
23           8.     (Amended) The medium of claim 7, said instructions including  
24 further instructions to direct the machine [processor] to:

25                 send a client identifier to the online distribution server;

26                 wherein said list has contents constrained according to access privileges  
27 associated with the client identifier.

1           9.     The medium of claim 8, wherein the access privileges associated  
2 with the client identifier are stored on the online distribution server.

3  
4           10.    (Amended) The medium of claim 8, said instructions including  
5 further instructions to direct the machine [processor] to:  
6                 store said access privileges within the client identifier;  
7                 wherein said access privileges are signed with a public key of the online  
8 distribution server.

9  
10          11.    The medium of claim 7, wherein the goods comprise physical  
11 goods, electronic goods, or services.

12  
13          12.    The medium of claim 11, wherein a first grouping of the goods is  
14 available electronically, and a second grouping of the goods is unavailable electronically  
15 but is available through physical shipping to a client.

16  
17          13.    (Amended) A method of using an electronic shopping cart to  
18 facilitate defining a distribution package [method], comprising:  
19                 receiving a connection from a manager-client by an online distribution  
20 server;  
21                 determining a client identifier;  
22                 sending [retrieving from a memory] a list of goods [and sending the list]  
23 to the manager-client based at least in part on the client identifier;  
24                 receiving a selection of goods from the list;  
25                 adding said selected goods to a client-side [an] electronic shopping cart;  
26                 receiving a creation request for a distribution package;  
27                 creating the distribution package from the contents of the client-side  
28 electronic shopping cart; and  
29                 assigning access restrictions for the distribution package, said restrictions  
30 controlling access by user-clients to the distribution package.

1  
2 14. The method of claim 13, further comprising:  
3 determining client access rights associated with the client identifier; and  
4 restricting the list of goods according to said client access rights.  
5

6 15. The method of claim 14, wherein the access privileges associated  
7 with the client identifier are stored in a second memory of the online distribution server.  
8

9 16. The method of claim 14, further comprising:  
10 storing said access privileges within a client memory storage;  
11 wherein said access privileges are signed with a public key of the online  
12 distribution server so as to prevent tampering of said access privileges by the client.  
13

14 17. (Amended) A machine-accessible [readable] medium having  
15 instructions encoded thereon for using an electronic shopping cart to facilitate defining a  
16 distribution package, said instructions, when accessed [executed by a processor],  
17 capable of directing a machine [the processor] to:

18 receive a connection from a manager-client by an online distribution  
19 server;

20 determine a client identifier;

21 send [retrieve from a memory] a list of goods [and sending the list] to the  
22 manager-client based at least in part on the client identifier;

23 receive a selection of goods from the list;

24 add said selected goods to a client-side [an] electronic shopping cart;

25 receive a creation request for a distribution package;

26 create the distribution package from the contents of the client-side  
27 electronic shopping cart; and

28 assign access restrictions for the distribution package, said restrictions  
29 controlling access by user-clients to the distribution package.



1  
2           18.   (Amended) The medium of claim 17, said instructions including  
3 further instructions to direct the machine [processor] to:

4           determine client access rights associated with the client identifier; and  
5           restrict the list of goods according to said client access rights.  
6

7           19.   The medium of claim 18, wherein the access privileges associated  
8 with the client identifier are stored in a second memory of the online distribution server.  
9

10           20.   (Amended) The medium of claim 18, said instructions including  
11 further instructions to direct the machine [processor] to:

12           store said access privileges within a client memory storage;  
13           wherein said access privileges are signed with a public key of the online  
14 distribution server so as to prevent tampering of said access privileges by the client.  
15

16           21.   (New) The method of claim 1, wherein the list of goods comprises  
17 goods available from at least two different sources communicatively coupled with the  
18 online distribution server.  
19

20           22.   (New) The method of claim 1, wherein the distribution package has  
21 at least one portion having a security requirement restricting access to the portion to  
22 clients meeting the security requirement.  
23

24           23.   (New) The method of claim 13, further comprising:  
25           validating the selection of goods based at least in part on the client  
26 identifier.  
27

28           24.   (New) The medium of claim 17, said instructions to create the  
29 distribution contents further comprising instructions capable of directing the machine to:

1 validate the selection of goods based at least in part on the client  
2 identifier.

3  
4 25. (New) A method of using an electronic shopping cart to facilitate  
5 defining a distribution package, comprising:  
6 receiving a connection from a manager-client;  
7 determining an identifier for the manager-client;  
8 assembling, based at least in part on the identifier, a list of goods available  
9 for electronic and/or physical distribution to a user-client;  
10 receiving a selection of a good from the list;  
11 adding said selected good to an electronic shopping cart of the manager-  
12 client;  
13 receiving a request for creation of a distribution package determined  
14 based at least in part on the contents of the electronic shopping cart.

15  
16 26. (New) The method of claim 25, wherein the list of goods comprises  
17 goods from at least two different sources.

18  
19 27. (New) A system for using an electronic shopping cart to facilitate  
20 defining a distribution package, comprising:  
21 a first source for a first good;  
22 a second source for a second good;  
23 a distribution server operating as a virtual store including one or more  
24 goods from the first and second sources, the distribution server configured to perform:  
25 receiving a connection from a manager-client;  
26 assembling a list of goods available for electronic and/or physical  
27 distribution to a user-client, the list including the first and the second goods;  
28 receiving a selection of a good from the list; and  
29 adding said selected good to a client-side electronic shopping cart.

30

1                    28.    (New) The system of claim 27, wherein the distribution server is  
2 further configured to perform:  
3                    receiving a request for creation of a distribution package determined  
4 based at least in part on the contents of the electronic shopping cart.



**FIG. 3**

